

**MARK S. COON, City Attorney**  
 California Bar No. 128122  
**MARGARET KOTZEBUE, Senior Assistant City Attorney**  
 California Bar No. 148592  
**SUSANNE MEYER BROWN, Assistant City Attorney**  
 California Bar No. 191209  
**Concord City Attorney's Office**  
 1950 Parkside Drive M/S 08  
 Concord, CA 94519  
 (925) 671-3160  
 (925) 671-3469 (fax)

Attorneys for Defendants City of Concord,  
 David Livingston, Murtazah Ghaznawi (erroneously named  
 as Ghulam Ghaznawi), Aaron Smith, Kevin Bollinger and  
 Carl Cruz (erroneously named as Corporal Cruz)

**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**  
**SAN FRANCISCO DIVISION**

**RICHARD ANDREW TARANTINO, JR.,**

Case No. C12-00579 (JCS)

Plaintiff,

vs.

**CITY OF CONCORD, et al.**

Defendants.

**DECLARATION OF MARGARET  
 KOTZEBUE IN SUPPORT OF  
 DEFENDANTS' MEMORANDUM OF  
 POINTS AND AUTHORITIES IN SUPPORT  
 OF MOTION FOR SUMMARY JUDGMENT**

**Date: July 19, 2013**  
**Time: 9:30 a.m.**  
**Court: Courtroom G, 15<sup>th</sup> Floor**  
**Judge: Magistrate Judge Joseph C. Spero**

I, MARGARET KOTZEBUE, declare:

1. I am employed with the City of Concord as a Senior Assistant City Attorney and am attorney of record in the above-entitled litigation.

2. On August 5, 2008, the City Attorney's Office received a tort claim from plaintiff, a true and correct copy is attached as Exhibit A.

3. This claim was denied by the City Attorney's Office on September 10, 2008 and mailed to plaintiff on that same date. A true and correct copy of this denial letter is attached as Exhibit B.

4. On December 21, 2012, I caused to be served on plaintiff a “REQUEST FOR ADMISSIONS, SET NO. ONE” and “DEFENDANTS’ FIRST SET OF INTERROGATORIES.”

5. On January 29, 2013, my office received “PLAINTIFF’S RESPONSE TO DEFENDANTS REQUEST FOR ADMISSIONS, SET ONE,” a true and correct copy is attached as Exhibit F.

6. On January 29, 2013, my office received "PLAINTIFF'S RESPONSE TO DEFENDANTS INTERROGATORIES, SET ONE," a true and correct copy is attached as Exhibit G.

7. On February 21, 2013, I reviewed the criminal file of the case *People v. Tarantino*, Case No. 138389-2 at the Contra Costa Superior Court. Attached as Exhibit H to the Request for Judicial Notice is a certified copy of the criminal complaint from this file, and attached as Exhibit I to the Request for Judicial Notice are certified copies of the verdict, jury instructions and daily minute orders from the criminal action.

I declare under the penalty of perjury that the foregoing is true and correct.

**Dated: May 16, 2013**

MARGARET KOTZBUE